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2 Federal Public Defender  
3 Nevada State Bar No. 11479  
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10 \*Attorney for Defendant Kenneth Smith

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 United States of America,

14 Plaintiff,

15 v.

16 Kenneth Smith,

17 Defendant.

Case No. 2:23-MJ-00675-DJA

**Motion for Leave to Appear by  
Remote Videoconference**

18 A change of plea is set for November 20, 2024, at 10:00 AM. (ECF No. 22.) Mr.  
19 Smith respectfully requests that he be permitted to appear by remote videoconference  
20 for this hearing because he is indigent, has young children, faces transportation  
21 challenges, and lives in Lake Havasu City, Arizona (about two and a half hours away  
22 from downtown Las Vegas). Mr. Smith's presence is not legally required. *See* Fed. R.  
23 Crim. P. 43(b)(2) ("A defendant need not be present under any of the following  
24 circumstances . . . The offense is punishable by fine or by imprisonment for not more  
25 than one year, or both, and with the defendant's written consent, the court permits  
26 arraignment, plea, trial, and sentencing to occur by video teleconferencing or in the  
27 defendant's absence."). In addition, Mr. Smith files contemporaneously with this  
motion a written waiver of his right to appear in person.

1 Accordingly, Mr. Smith respectfully requests that he be permitted to appear  
2 by remote videoconference for the change of plea hearing set for November 20, 2024,  
3 at 10:00 AM.

4 Dated September 26, 2024.

5 Respectfully submitted,

6  
7 Rene L. Valladares  
8 Federal Public Defender

9 /s/ Rick Mula

10 Rick Mula  
11 Assistant Federal Public Defender

12  
13 IT IS ORDERED that [23] MOTION for Leave to Appear by Remote  
14 Videoconference is GRANTED.

15 IT IS FURTHER ORDERED that defense counsel shall contact Angela  
16 Reyes, Courtroom Deputy for the undersigned Magistrate Judge, no later than  
17 noon, on Monday, November 18, 2024, at Angela\_Reyes@nvd.uscourts.gov  
18 to provide an email address for the defendant.

19 Dated: September 30, 2024

20   
21 DANIEL J. ALBREGTS,  
22 U.S. MAGISTRATE JUDGE  
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